

**DEPARTMENT OF HEALTH AND HUMAN SERVICES
PUBLIC HEALTH SERVICE
INDIAN HEALTH SERVICE**

Refer to: DHR

ALBUQUERQUE AREA INDIAN HEALTH SERVICE CIRCULAR NO. 2001-05

WORKPLACE VIOLENCE

Sec.

1. Purpose
2. Background
3. Policy
4. Authorities
5. Responsibilities
6. Procedure
7. Reprisals Prohibited
8. Consequences for Violation
9. Effective Date

1. **PURPOSE:** To establish the Albuquerque Area Indian Health Service's (AAIHS) zero-tolerance policy on workplace violence, and to communicate employee's rights and management's responsibility for responding to allegations of workplace violence and eliminating workplace violence. The purpose is also to communicate the policy of the AAIHS to promote a safe environment for its employees.

The AAIHS is committed to working with its employees to maintain a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior. Such disruptive behavior will not be tolerated. All reports of incidents will be taken seriously and will be dealt with appropriately. Such behavior can include, but is not limited to, oral or written statements, gestures, expressions that communicate a direct or indirect threat of physical harm. Individuals who commit such acts may be removed from the premises and may be subject to disciplinary action, criminal penalties, or both.

Any statement that is perceived to be threatening, is made in the presence of any employee, and concerns the agency, another employee, or the person themselves must be reported immediately to your supervisor, manager, personnel, or security. Each report will be investigated and appropriate timely corrective action taken.

2. **BACKGROUND:** On June 12, 1995, the Assistant Secretary for Health and Human Services issued a policy statement proclaiming that, threatening, intimidating, violent or similar disruptive behavior in the workplace is unacceptable conduct. It is the policy of the Public Health Service (PHS) that there will be zero tolerance for such acts. PHS will take appropriate action necessary to ensure that every employee has a work environment free from threatening behavior and violence. This policy was supported by the Director of Indian Health Service (IHS) and communicated to IHS Employees. The Director, IHS likewise established a zero tolerance policy on workplace violence, which applies to all employees, contractors and others with whom we work. The Director further emphasized that such conduct will not be tolerated and known incidents should be reported immediately to management officials. He also stated that this policy will be enforced through governing policies and procedures for addressing employee misconduct and, if warranted, referred to local police and legal authorities.
3. **POLICY COVERAGE:** This policy applies to Civil Service Employees, Labor Organizations, Commissioned Corps Personnel, Independent Contractors, Management of the AAIHS, and members of the public with whom the agency conducts business.
4. **AUTHORITIES:** The authorities include: 29 U.S.C. §§651-678, 29 C.F.R. Parts 1901-2200, 18 U.S.C. Part I, 42 C.F.R. Part 73, Subpart C, and other prevailing regulations and guidelines concerning workplace and employee health and safety, emphasizing conduct in federal buildings.
5. **RESPONSIBILITIES:**

Area Director

The Area Director is accountable for a workplace environment that is free from workplace violence at all levels of the AAIHS.

Area Human Resources Officer

- a) Communicating the IHS and AAIHS policy for zero-tolerance of any workplace violence to all employees through annual notices and training.
- b) Becoming familiar with the IHS and AAIHS policies and applicable federal regulations, policies, and guidelines that pertain to the elimination of workplace violence.
- c) Taking seriously all allegations of workplace violence regardless of parties involved.

- d) Taking immediate action to effectively determine the validity of the allegation in order to avoid agency liability by allowing such behavior to continue once they become aware of it.
- e) Ensuring that employees who report incidences of workplace violence are protected from any form of reprisal.
- f) Immediately notifying the designated offices and officials upon becoming aware of an alleged incident of workplace violence.
- g) Encouraging employees who report that they have been a victim to use the agency employment assistance program, and to contact friends, co-workers, relatives, or other individuals who may be able to provide emotional support.
- h) Conducting impartial and comprehensive fact-finding investigations on each allegation of workplace violence as requested by higher-level management officials or the EEO office.
- i) Providing training for employees in the prevention of workplace violence.
- j) Providing current list of contact names for reporting workplace violence.
- k) Coordinating with supervisors and recommending timely, appropriate corrective or disciplinary action against employees who are found to have violated this policy.

Chief Executive Officer (s)

The Chief Executive Officer (CEO) is accountable for a workplace environment that is free from workplace violence at all levels of the Service Unit.

Supervisor(s)

- a) Communicating the IHS and AAIHS policy for zero-tolerance of any workplace violence to all employees under their supervision.
- b) Becoming familiar with the IHS and AAIHS policies and applicable federal regulations, policies, and guidelines that pertain to the elimination of workplace violence.
- c) Taking seriously all allegations of workplace violence regardless of parties involved.
- d) Taking immediate action to effectively determine the validity of the allegation in order to avoid agency liability by allowing such behavior to continue once, they become aware of it, as directed by higher-level management officials.

- e) Promptly implementing corrective actions that are recommended by Human Resources, management officials, Equal Employee Opportunity (EEO) and law enforcement agency with jurisdiction.
- f) Ensuring that employees who report incidences of workplace violence are protected from any form of reprisal.
- g) Immediately notifying the designated offices and officials upon becoming aware of an alleged incident of workplace violence. The supervisor will immediately notify the CEO at the service unit, or if a supervisor at the Area Office, they must notify the Area Director and the Human Resources Officer at the Area Office.
- h) Encouraging employees who report that they have been a victim to use the agency employment assistance program, and to contact friends, co-workers, relatives, or other individuals who may be able to provide emotional support.
- i) Following up with employees who have reported workplace violence to advise them that appropriate corrective actions have been taken.
- j) Conducting impartial and comprehensive fact-finding investigations on each allegation of workplace violence as requested by higher-level management officials or the EEO office. Interviews must be conducted with the employee making the allegations, the employee or person against whom allegations are made, and all relevant witnesses.
- k) Preserving evidence of workplace violence to give to the appropriate agency official regarding allegations of workplace violence.
- l) Coordinating with the Human Resources to provide or obtain training for subordinates in the prevention of workplace violence.
- m) Taking timely, appropriate corrective or disciplinary action against employees who are found to have violated this policy.

Failure by a manager or supervisor to comply with the requirements of this policy and the responsibilities charged to them by this policy will be grounds for management to take corrective or disciplinary action up to and including removal from Federal employment.

Employee(s)

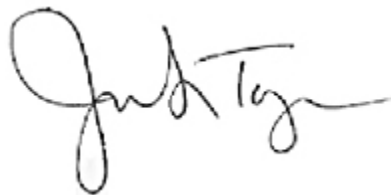
- a) Responsible for ensuring that their behavior and actions promote a work environment that is free from workplace violence.

- b) Notifying their immediate supervisor or other appropriate agency official of allegations of workplace violence.
- c) Preserving evidence of workplace violence to give to the immediate supervisor or other appropriate agency official regarding allegations of workplace violence.
- d) Utilize available resources such as the employee assistance program, family, therapy, counseling, etc., to cope with incidents of workplace violence.
- e) Responsible for cooperating with agency investigators, supervisory investigations or fact-finding, appropriate agency officials investigating workplace violence. This entails providing names, documentation, and other information as requested by the management official designated to investigate or conduct fact-finding on the allegation. Employees who fail to cooperate with an investigation may be subject to disciplinary action in accordance with the Department of Health and Human Services' Standards of Conduct and this policy.

6. **PROCEDURE:**

- a) Employees must immediately notify their supervisor or other appropriate agency official of allegations of workplace violence. The employee must preserve all evidence of workplace violence to give to the immediate supervisor or other appropriate agency official regarding allegations of workplace violence.
- b) The supervisor will immediately notify the CEO at the service unit, or if a supervisor at the Area Office, they must notify the Area Director and Human Resources Officer at the Area Office.
- c) The CEO must notify the Area Director and Human Resources Officer to initiate investigation or fact-finding to determine validity of allegation, which must be scheduled and completed within seven workdays. Presentation of an allegation through a grievance (submitted under either negotiated or administrative grievance procedure) does not obviate the requirement to investigate.
- d) Findings and recommendations based on the written report of the investigation or fact-finding must be implemented within five workdays from the date of issuance.
- e) If law enforcement intervention is recommended or required, the CEO or if a supervisor at the Area Office they must immediately notify the Area Director and Human Resources Officer. The Area Director or designee will serve as the primary point of contact with various law enforcement agencies, news media, Tribal government, and other state and tribal government agencies.

- f) Requests for personnel information from law enforcement agencies must be submitted to the Area Director and Human Resources Officer for regulatory review and approval.
7. **REPRISALS PROHIBITED:** Any attempt by an employee, supervisor, or manager, to restrain, interfere, coerce, or otherwise take reprisal action against an employee who has raised an allegation or filed a grievance based on an alleged incident is prohibited. Such actions may result in appropriate corrective or disciplinary action.
8. **CONSEQUENCES FOR VIOLATION:** The AAIHS is committed to working with its employees to maintain a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior. Such disruptive behavior will not be tolerated. All reports of incidents will be taken seriously and will be dealt with appropriately. Such behavior can include, but is not limited to, oral or written statements, gestures, expressions that communicate a direct or indirect threat of physical harm. Individuals who commit such acts may be removed from the premises and may be subject to disciplinary action, criminal penalties, or both.
9. **EFFECTIVE DATE:** This circular is effective upon date of signature and shall remain in effect until cancelled or superceded.

A handwritten signature in black ink, appearing to read 'James L. Toya', is positioned above the printed name and title.

10/16/01

James L. Toya
Director
Albuquerque Area Indian Health Service